

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK.

COMPASS INTERNATIONAL ASSOC. LTD.,

Plaintiff,

- against -

AMBEV a.k.a. AMERICAN BEVERAGE  
CORPORATION,

Defendant.

**JUDGE STEIN**

08 CV \_\_\_\_\_  
ECF CASE

**AFFIDAVIT IN SUPPORT OF PRAYER FOR MARITIME ATTACHMENT**

State of Connecticut    )  
                                  )  
County of Fairfield    )       ss: SOUTHPORT

Lauren C. Davies, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and represent the Plaintiff herein. I am familiar with the facts of this case and make this Affidavit in support of Plaintiff's prayer for the issuance of a Writ of Maritime Attachment and Garnishment, pursuant to Rule B of the Supplemental Admiralty Rules of the Federal Rules of Civil Procedure.

**DEFENDANTS ARE NOT PRESENT IN THE DISTRICT**

2. I have attempted to locate the Defendant, AMBEV a.k.a. AMERICAN BEVERAGE CORPORATION within this District. As part of my investigation to locate the Defendants within this District, I checked the telephone company information directory, as well as the white and yellow pages for New York listed on the Internet or World Wide Web, and did not find any listing for the Defendant. Finally, I checked the New York State Department of Corporations' online database, which showed an inactive listing for the defendant. The inactive

listing also showed that the Defendant has no registered agent for service of process. *See New York Department of Corporations Listing for "American Beverage Corp." attached hereto as Exhibit "1."*

3. I submit that the Defendant cannot be found within this District within the meaning of Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims.

4. Upon information and belief, the Defendant has, or will have during the pendency of this action, tangible and intangible property within the District in the hands of ABN Amro, American Express Bank, Bank of America, Bank of New York, Citibank, Deutsche Bank, HSBC (USA) Bank, J.P. Morgan Chase, Standard Chartered Bank and/or Wachovia Bank N.A.

**PRAYER FOR ORDER ALLOWING SPECIAL PROCESS SERVER**

5. Plaintiff seeks an order pursuant to Rule 4(c) of the Federal Rules of Civil Procedure, for an Order appointing Thomas L. Tisdale, Claurisse A. Campanale-Orozco, Lauren C. Davies or any other partner, associate, paralegal or other agent of TISDALE LAW OFFICES, LLC to serve the Verified Complaint, Process of Maritime Attachment and Garnishment, Interrogatories or other process in this action, in addition to the U.S. Marshall to serve the Process of Maritime Attachment and Garnishment and the Verified Complaint, together with any Interrogatories, upon the garnishee(s), together with any other garnishee(s) who, based upon information developed subsequent hereto by the Plaintiff, may hold property of, for or on account of the Defendants.

6. Plaintiff seeks to serve the prayed for Process of Maritime Attachment and Garnishment with all deliberate speed so that it may be fully protected against the potential of being unable to satisfy an award/judgment ultimately obtained and entered against the Defendants.

7. To the extent that this application for an Order appointing a special process-server with respect to this attachment and garnishment does not involved a restraint of physical property, there is no need to require that the service be effected by the Marshal as it involves simple delivery of the Process of Maritime Attachment and Garnishment to the various garnishees to be identified in the writ.

**PRAYER FOR RELIEF TO SERVE LATER IDENTIFIED GARNISHEES**

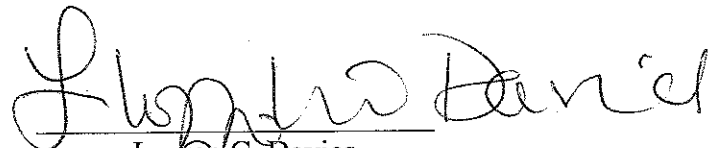
8. Plaintiff also respectfully requests that the Court grant it leave to serve any additional garnishee(s) who may, upon information and belief obtained in the course of this litigation to be holding, or believed to be holding, property of the Defendants, within this District. Obtaining leave of Court at this time to serve any later identified garnishees will allow for prompt service of the Process of Maritime Attachment and Garnishment without the need to present to the court amended Process seeking simply to identify other garnishee(s).

**PRAYER FOR RELIEF TO DEEM SERVICE CONTINUOUS**

9. Further, in order to avoid the need to repetitively serve the garnishees/banks, Plaintiff respectfully seeks further leave of the Court, as set out in the accompanying Ex Parte Order for Process of Maritime Attachment, for any process that is served on a garnishee to be deemed effective and continuous service of process throughout any given day on which process is served through the next day, provided that process is served the next day, to authorize service of process via facsimile or e-mail following initial *in personam* service.

10. This is Plaintiff's first request for this relief made to any Court.

Dated: March 17, 2008  
Southport, CT

  
Lauren C. Davies

Sworn and subscribed to before me  
this 17th day of March 2008.

  
Notary Public

# EXHIBIT 1

# NYS Department of State

## Division of Corporations

### Entity Information

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Selected Entity Name: AMERICAN BEVERAGE CORP.

#### Selected Entity Status Information

**Current Entity Name:** AMERICAN BEVERAGE CORP.

**Initial DOS Filing Date:** MAY 03, 1961

**County:** QUEENS

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** INACTIVE

#### Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

% BEN MERMELSTEIN

450 7TH AVE

NEW YORK, NEW YORK, 10123

#### Registered Agent

NONE

NOTE: New York State does not issue organizational identification numbers.

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